RECENT CASES

ANIMALS—INJURIES BY—RESPONSIBILITY OF OWNER.—LYMAN V. DALE, 171 S. W. (Mo.) 352.—Held, every Missouri mule has one kick.

Anyone keeping a wild animal does so at his own risk and is responsible for whatever damage it may do. *Phillips v. Garner,* 64 So. (Miss.) 735 (monkey); *Hays v. Miller,* 43 So. (Ala.) 818 (wolf). But the owner of a domestic animal is not responsible for damage it does, if it is rightfully in the place where the mischief was done, unless it is shown, not only that the animal was vicious, but also that the owner or keeper had knowledge of that fact. *Kitchens v. Elliott,* 114 Ala. 290; *Dix v. Somerset Coal Co.,* 217 Mass. 146; *Carney v. Donk Bros. Co.,* 169 Ill. App. 124; *Earl v. Van Alstine,* 8 Barb. (N. Y.) 630 (bees). Therefore the owner of a horse is not liable in damages to the first person that horse bites. *Reed v. Southern Ex. Co.,* 95 Ga. 108. So a dog has one bite. *Domm v. Hollenbeck,* 259 Ill. 382. This, however, is changed by statute in some states. See *Legault v. Malacker,* 156 Wis. 507. Likewise the owner of a cat is entitled to notice of its dangerous propensities. *McDonald v. Jodrey,* 8 Pa. Co. Ct. 142.

The principal case is correct and the concurring opinion of Lamm, J., is one of the finest examples of sustained judicial humor to be found in the books.

BILLS & NOTES—WRONGFUL TRANSFER—RIGHT OF ACTION.—PATTERSON & CO. V. PETERSON, 84 S. E. (GA.) 163.—*Held,* the wrongful transfer of a negotiable note to a bona fide purchaser, thereby cutting off the maker's valid defense, gives rise to a cause of action for the damages resulting therefrom.

For a discussion of this and kindred points, see comment in 24 Yale Law Journal 419, written before the principal case appeared.

BURGLARY—ELEMENTS OF OFFENSE—"FORCIBLE BREAKING."—GOINS ET AL. V. STATE, 107 N. E. (OHIO) 335.—*Held,* where any force, however slight, is required to effect an entrance into a building through a doorway partly open, such act constitutes a forcible breaking.

Breaking is any act of physical force by which an obstruction to entering is forcibly removed. *Metz v. State,* 46 Neb. 507. Though the word breaking implies the use of force, it is universally held that the slightest force will be sufficient. *State v. Lapoint,* 88 Atl. (Vt.) 523; *Bass v. State,* 1 Lea (Tenn.) 444; *State v. Snow,* 51 Atl. (Del.) 607; *Commonwealth v. Stephenson,* 8 Pick. (Mass.) 354. Entry through an opening which is an unusual place has been held to constitute a breaking. *Donahoo v. State,* 36 Ala. 281; *Knotts v. State,* 32 S. W. (Tex.) 532; *Marshall v. State,* 94 Ga. 589. It is a sufficient breaking to push open a door held by friction against the sill, or to raise a window which is completely closed but unlocked. *Parker v. State,* 38 S. W. (Tex.) 790;